

# **Exhibit 2**

1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF MISSOURI  
3 EASTERN DIVISION  
4

5 GEORGE MOORE and VIRGINIA ) CASE NO.  
6 CARTER, et al. on behalf of ) 4:18-cv-01962-SEP  
7 themselves and all others )  
8 similarly situated, )  
9 Plaintiffs, )  
10 v. )  
11 COMPASS GROUP USA, INC., D/B/A )  
12 CANTEEN, )  
13 Defendant. )  
14 \_\_\_\_\_ )

15 VIDEOCONFERENCE DEPOSITION OF MARTHA MORGAN  
16 VOLUME II  
17 Minneapolis, Minnesota  
18 Wednesday, May 10, 2023  
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24 Reported via Zoom by: Jennifer K. Abe, CSR No. 10753  
25 Certified Shorthand Reporter

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
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GEORGE MOORE and VIRGINIA	)	CAUSE NO.
CARTER, et al. on behalf of	)	4:18-cv-01962-SEP
themselves and all others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
COMPASS GROUP USA, INC., D/B/A	)	
CANTEEN,	)	
	)	
Defendant.	)	
_____	)	

Continued Videoconference Deposition of  
MARTHA MORGAN, Volume II, taken before Jennifer K. Abe, a  
Certified Shorthand Reporter for the State of California,  
beginning at 8:00 a.m. PST and ending at 10:12 a.m. PST,  
on Wednesday, May 10, 2023. This deposition is being  
taken via Veritext Virtual, and all parties, the witness,  
and the court reporter are appearing remotely.

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1           A     Yes. That represents the first time this  
2           particular machine at this particular customer location  
3           generated two-tier revenue.

4           Q     Alright. And it's not date specific? It's  
5           month specific; is that right?

6           A     Yes. Because it's the month when the device was  
7           turned on, and it does not record the actual first  
8           transaction. We're recording the month it was turned on,  
9           so not the specific October 10th. It's the month of  
10          October that it generated the first revenue.

11          Q     Alright. And so the reason I ask that is, my  
12          first question happened with this machine here on  
13          Line 6.

14                 On Line 6 here, which was the fourth machine  
15          identified as having cash discount sticker "N," it said  
16          the first revenue date -- I'm sorry. And that date was  
17          March 26, 2019, when it was found to not have a cash  
18          discount sticker. The first revenue date was February  
19          2021.

20                 How would I reconcile that?

21          A     Without seeing all of the rest of this data and  
22          because you have sorted it in a manner of Column M, then  
23          Column L, what I'm not seeing is, I'm not seeing the  
24          entire context of that machine and the possibility that  
25          it was on-site.

1           At this particular Walmart, there is  
2           probably another transaction in this dataset for that  
3           machine number at that cost center ID.

4           So when you sort the reports as they were  
5           provided by cost center by machine ID, Column C and D, if  
6           the machine actually had been on-site at two different  
7           account locations, you would see two different first  
8           two-tiered dates, revenue dates.

9           Q     Okay.

10          A     One would --

11          Q     Go ahead.

12          A     So this particular row that you're showing is  
13          telling me that it was on-site at this -- I'm sorry.  
14          You --

15          Q     Yeah. I moved back over to the columns you were  
16          talking about while you were answering because I wanted  
17          to understand what you were saying.

18          A     Can you please highlight the row so that we can  
19          travel from left to right? Yes. Because you're not -- I  
20          thought that's where we were is Walmart. Thank you.

21          Q     So I highlighted the row you asked me to. Tell  
22          me where you want me to go.

23          A     So, in this particular case, without seeing the  
24          spreadsheet and all possible instances of that same  
25          machine at that cost center, what I don't see is this is

1 showing it at a Walmart; and the first time at that  
2 Walmart location, it generated two tier in that column  
3 further to the right.

4 Q So if I scroll all the way to the right here,  
5 the first time it generated revenue at that Walmart, I  
6 would find that right here in February of 2021.

7 Is that what you're saying?

8 A Yes.

9 Q Okay. And so what you're saying then is, this  
10 machine, which was surveyed and found to not have a label  
11 on March 26, 2019, was generating revenue somewhere else  
12 at the time it was surveyed?

13 A That is what I believe. And until I see the  
14 machine number at the two separate locations side by  
15 side, I can't say that that's true; but that is based on  
16 my experience with how these reports come together, yes,  
17 there would be another row that matches that thing, cost  
18 center machine ID, but not at that Walmart location.

19 Q Okay. So then let's search for Machine 94107 in  
20 Cost Center 5533 in this data and see what we come up  
21 with based on the answer you just provided to me.

22 And it was Cost Center 5533. That's not it.  
23 That's not it. You guys have a lot of machines in  
24 San Francisco at ZIP code 94107 it looks like.

25 Alright. So we don't see any other place on

1 this machine, and I searched every single 94107 on this  
2 spreadsheet where that machine appears in the data that  
3 was given to me by your attorneys, at least as of -- for  
4 the last survey date of June 15th, 2022.

5 And, as you sit here today, you don't know why  
6 that would be?

7 MS. MUELLER: Objection; form.

8 THE WITNESS: I forgot what the word "form"  
9 means. Sorry.

10 So I do not know specifically on this particular  
11 row, it appears that this machine was surveyed on the  
12 2019 date. It appears that there was not a cash discount  
13 sticker, and it appears at that time in March of 2019, it  
14 was not generating two-tier revenue; and that two-tier  
15 revenue at this particular location was later enabled,  
16 and it started to generate two-tier revenue in that  
17 date -- I can't see the date now -- the first time it  
18 generated two-tier revenue.

19 Q February --

20 A February 2021. Right. But that is absolutely a  
21 possibility that a machine in 2019 was not generating  
22 two-tier revenue, and then it was turned on at a later  
23 date.

24 Q Alright. So what I'm going to do is, I'm going  
25 to take this survey instance ID. I think you had told me



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CERTIFICATION

OF

CERTIFIED SHORTHAND REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: June 1, 2023



Jennifer K. Abe

CSR No. 10753